

**CHAPTER NO. 207**

**HOUSE BILL NO. 802**

**By Representative Stulce**

**Substituted for: Senate Bill No. 1145**

**By Senator Crutchfield**

AN ACT to amend Tennessee Code Annotated, Title 20, Chapter 12 and Section 23-2-104, relative to bonds and sureties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 20-12-125, is amended by deleting the section in its entirety and by substituting instead the following:

In all cases of bonds, for the prosecution of original suits, or where security is taken or recorded in any court, sufficient security shall be taken by the clerk to pay all costs that may be at any time adjudged against the principal, in the event they are not paid by the principal. Notwithstanding any other provision of law to the contrary, where an attorney undertakes to serve as surety after July 1, 1999, such surety shall only be obligated for amounts required by law or included in the clerk's bill of costs, and shall not be responsible for discretionary costs. In such instances, the clerk may require an additional surety other than the attorney as may be necessary to secure payment for discretionary costs.

SECTION 2. Tennessee Code Annotated, Section 20-12-135, is amended by adding the following language at the end of the section:

Judgment against an attorney as surety, for security taken or recorded after July 1, 1999, shall extend only to amounts required by law or included in the clerk's bill of costs, and shall not include discretionary costs.

SECTION 3. Tennessee Code Annotated, Section 20-12-136, is amended by adding the following language at the end of the section:

Execution issued against an attorney as surety, for security taken or recorded after July 1, 1999, shall collect only the amounts required by law or included in the clerk's bill of costs, and shall not include discretionary costs.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 1999, the public welfare requiring it.

PASSED: May 10, 1999

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1999

  
DON SINKUQUIST, GOVERNOR